

REMARKS

This response is filed in reply to a non-final Office Action mailed on June 12, 2008. Claims 25-48 are pending in this application, with claims 32-49 withdrawn from consideration. Claims 25, 26, and 28-31 stand rejected under 35 U.S.C. §102(b) as anticipated, and claim 27 stands rejected under 35 U.S.C. §102(b)/103(a) as anticipated or in the alternative obvious. In response, Applicants have amended claim 25, cancelled claim 27, and added new claims 49-51. Support for claims 49-51 can be found throughout the specification, and at least at page 10 and in Examples 1-3 to 1-8. No new material has been added by way of these amendments. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

In the Office Action, claims 25 and 28-30 are rejected under §102(b) as anticipated by JP08-195201 ("*Masanori*"). Claim 27 is also rejected under §102(b) or in the alternative §103(a). In response, Applicants have amended claim 25 to incorporate claim 27, and respectfully traverse the rejection of claim 27. Claim 25, as currently amended requires an anode comprising a particulate anode active material, a particulate binding material containing at least one compound selected from the group consisting of a copolymer including vinylidene fluoride and polyvinylidene fluoride, wherein the binder is fused by heating. Applicants respectfully assert that *Masanori* does not teach each and every aspect of this claim and therefore that the rejection is improper.

In rejecting claim 27, the Patent Office admits that *Masanori* does not recite that the binder is fused by heating. In order to meet this claim limitation, the Patent Office notes that *Masanori* teaches a polyvinylidene fluoride that is agitated by an agitator and that the agitator would produce an increase in temperature and fuse the PVDF particles. In effect, the Patent Office is asserting that the mechanical energy present in the manufacturing process that blends the anode components is of such a high degree to result in the fusing the binder. Applicants assert that this amount of energy cannot be present in a simple mixing process, and in fact *Masanori* teaches that this is not desired.

While the Patent Office uses the language agitation and agitator, the specification describes the mixing processes much more broadly as a dispersion machine in Drawing 1 at paragraph [0018]. The dispersion machine can be a wide range of mixers, including kneading,

V-type, double cone, paddle, ribbon, etc. In fact a ball mill is preferred. None of these mixers are going to impart the amount of mechanical energy required to fuse PVDF particles.

Furthermore, *Masanori* teaches away from the concept of imparting energy and heat into the dispersion. *Masanori* is directed to making anode mixtures without generating aggregates. These aggregates “can be markedly reduced without the viscosity of the negative electrode mix being lowered.” See Abstract. The dispersion state disclosed by *Masanori* can be achieved without decreasing the viscosity of the binder. Paragraph [0005-Problems to be solved by this Invention]. In reality what *Masanori* teaches is making an anode mixture by mixing without decreasing the viscosity. The Patent Office asserts is that kneading would impart enough heat to fuse PVDF, however that heat would decrease the viscosity of the mixture, in direct contravention to what *Masanori* teaches. Consequently, the Patent Office cannot assert that the mixing in *Masanori* imparts enough heat to fuse the PVDF.


For these reasons, Applicants assert that the instant claim 25 is valid and not anticipated by or obvious in view of *Masanori*. Moreover, because claims 28-30 depend from claim 25, these claims are also valid. Therefore Applicants respectfully request the rejection be withdrawn.

In the Office Action, claims 25, 26 and 31 are rejected under §102(b) as anticipated by JP2000-036323 (“*Yoshio*”). These rejections are moot in view of the amendment to claim 25. *Yoshio* has not been cited against previous claim 27, and Applicants respectfully submit that instant claim 25 is now novel and non-obvious over *Yoshio*.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

BY


Thomas C. Basso
Reg. No. 46,541
Customer No. 29175

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